IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 26722 of 2003(F)

PETITIONER:

LARSEN & TOUBRO LTD., E.C.C.DIVISION (ENGINEERING, CONSTRUCTION & CONTRACTS DIVISION), MOUNT POONAMALEE ROAD, MANAPAKKAM, P.B.NO.979, CHENNAI - 600 089 REP.BY ITS LEGAL MANAGER, SHRI.B.K.SUBRAMANIAN.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:
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1. **KERALA STATE ELECTRICITY BOARD, VYDYUTHI BHAVAN, PATTOM, TRIVANDRUM, REP.BY IT SECRETARY.**

2. **THE CHIEF ENGINEER, SUBTRACTIONS & TRANSMISSION LINES, CONSTRUCTION, KERALA STATE ELECTRICITY BOARD, ALAPPAT ROAD, COCHIN 682 016.**

3. **THE CHIEF ENGINEER, TRANSMISSION (NORTH) KERALA STATE ELECTRICITY BOARD, GANDHI ROAD, KOZHIKODE 673 011.**

4. **THE DEPUTY CHIEF ENGINEER, TRANSMISSION CONSTRUCTION CIRCLE, KERALA STATE ELECTRICITY BOARD, CHOVVA, KANNUR 670 006.**

5. **THE EXECUTIVE ENGINEER, TRANSMISSION CIRCLE, KERALA STATE ELECTRICITY BOARD, KANNUR.**

BY ADV. SRI.P.SANTHALINGAM, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 26722/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE WORK ORDER DT.3/7.2.00 ISSUED BY THE RESPONDENT.

EXT.P2:- COPY OF THE RELEVANT EXTRACT OF SECTION 3 AND SECTION 4 OF THE TENDER CONTAINING THE CONDITIONS OF CONTRACT AND CONTRACT DATA.

EXT.P3:- COPY OF THE AGREEMENT DT. 7TH FEBRUARY 2000 ENTERED IN TO BY THE PETITIONER WITH THE RESPONDENT.

EXT.P4:- COPY OF THE BANK GUARANTEE EXECUTED BY THE PETITIONER IN FAVOUR OF THE RESPONDENT.

EXT.P5:- COPY OF THE PROCEEDINGS DT.17.10.2000 OF THE RESPONDENT.

EXT.P6:- COPY OF THE REPRESENTATION DT.7.2.01 MADE BY THE PETITIONER TO THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P7:- COPY OF THE REPRESENTATION DT.15.6.01 MADE BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P8:- COPY OF THE ORDER DT.20.7./01 ISSUED BY THE 2ND RESPONDENT.

EXT.P9:- COPY OF THE LETTER SENT BY THE PETITIONER TO THE RESPONDENT REQUESTING FOR WAIVING THE CLAIM FOR LIQUIDATED DAMAGES.

EXTP10:- COPY OF THE LETTER DT.31.10.01 SENT BY THE PETITIONER TO THE RESPONDENT.

EXT.P11:- COPY OF THE REPRESENTATION DT.19.12.001 SUBMITTED BY THE PETITIONER TO THE KSEB.

EXT.P12:- COPY OF THE REPRESENTATION DT.10.1.02 SUBMITTED BY THE PETITIONER TO THE KSEB.

EXT.P13:- COPY OF THE REQUEST LETTER DT.11.7.02 SUBMITTED BY THE PETITIONER TO THE KSEB.

EXT.14:- COPY OF THE REPLY DT.22.7.02 OF THE 4TH RESPONDENT.

EXT.P15:- COPY OF THE REPRESENTATION DT.30.7.02 SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.

EXT.P16:- COPY OF THE REPRESENTATION DT.5.8.02, SUBMITTED BY THE PETITIONER TO THE RESPONDENT.

EXT.P17:- COPY OF THE REPLY DT.29.8.02 ISSUED BY THE 4TH RESPONDENT.

EXT.P18:- COPY OF THE COVERING LETTER DT.20.9.02 OF THE PETITIONER SENDING THE REQUIRED MANUALS/DOCUMENTS TO THE 4TH RESPONDENT.

EXT.P19:- COPY OF THE COVERING LETTER DT.20.9.02 AND BILL SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.

EXT.P20:- COPY OF THE LETTER DT.27.11.02, SENT BY THE PETITIONER EXTENDING THE BANK GUARANTEE OF RS.60 LAKH UPTO 28.2.03.

EXT.P21:- COPY OF THE LETTER DT.1.2.03, ISSUED BY THE 4TH RESPONDENT.

EEXT.P22:- COPY OF THE LETTER DT./10.2.03 SENT BY THE PETITIONER TO THE RESPONDENT.

EXT.P23:- COPY OF THE JUDGMENT DT.2.11.01 DELIVERED BY THIS HONOURABLE COURT IN OP. 29721/01.

EXT.P24:- COPY OF THE JUDGMENT DT. 19.2.02 DELIVERED BY THIS HONOURABLE COURT IN OP.2848/02.

EXT.P25:- COPY OF THE JUDGMENT DT.19.3.03 IN OP. 5655/03 PASSED BY THIS HONOURABLE COURT.

EXT.P26:- COPY OF THE PETITION FOR EXTENSION OF TIME DT.9.5.03 FILED BY THE RESPONDENTS BEFORE THIS HONOURABLE COURT IN OP.5655/03.

EXT.P27:- COPY OF THE REPLY LETTER NO.A32/TURNKEY/L&T/03-04/25 DT. 11.7.03 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.

EXT.P28:- COPY OF THE LETTER DT.23.7.03 SENT BY THE PETITIONER TO THE 5TH RESPONDENT.

EXT.P29:- COPY OF THE LETTER NO.CE/TRN/E6/REC/LCB/PINARAYI/1/99 DT.7.11.03 ISSUED BY THE KSEB TO THE PETITIONER.

EXT.P30:- COPY OF THE LETTER NO.CE/TRN/E6/REC/LCR/PINARAYI/1/339 DT.19.5.03, ISSUED BY THE KSEB TO THE PETITIONER.

EXT.P31:- COPY OF THE ORDER NO.B.O.(FB) NO.768/05 (TC1/S1/910/98 TURNKEY), DT.10.3.05 ISSUED BY THE 1ST RESPONDENT.

EXT.P32:- COPY OF THE REQUEST OF CLAIM DT . 23.3.05 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P33:- COPY OF THE CLAIM STATED SUBMITTED BY THE PETITIONER

/TRUE COPY/

tss

KURIAN JOSEPH, J.

W.P.(C). NO. 26722 OF 2003

Dated this the 21st day of March, 2007.

J U D G M E N T

The petitioner prays for a direction to the third respondent to consider Exhibits P32 and P33 in the light of Exhibit P1 order passed by the first respondent.

2. It is seen that the Kerala State Electricity Board has already passed Exhibit P31 order dated 10.03.2005. Therefore, there will be a direction to the third respondent to take appropriate action on Exhibits P32 and P33 in the light of Exhibits P1 and P31 with notice to the petitioner within a period of three months from date of production of a copy of this judgment.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp